

**SUPREME COURT MINUTES  
THURSDAY, AUGUST 4, 2005  
SAN FRANCISCO, CALIFORNIA**

**S014200**

PEOPLE v. DUNKLE (JON S.)

Opinion filed: Judgment affirmed in full

Majority Opinion by Kennard, J.

--- joined by George C.J., Baxter, Werdegar,  
Chin, and Moreno, JJ.

**S123344**

A102790 First Appellate District,  
Division Five

GRAFTON PARTNERS v. S.C. PRICE-  
WATERHOUSECOOPERS L.L.P.

Opinion filed: Judgment affirmed in full

Opinion by George, C.J.

--- joined by Kennard, Baxter, Chin,  
Moreno, JJ., and Spencer, J.\*

Concurring Opinion by Chin, J.

\*Hon. Vaino Hassan Spencer, Presiding Justice,  
Court of Appeal, Second Appellate District,  
Division One, assigned by the Chief Justice  
pursuant to article VI, section 6, of the  
California Constitution.

**S134597**

B173700 Second Appellate District,  
Division Two

PEOPLE v. WILLIAMS

Time extended to grant or deny review

to September 7, 2005

**S134618**

F043673 Fifth Appellate District

PEOPLE v. FITZGERALD

Time extended to grant or deny review

to September 7, 2005

**S134640**

B171374 Second Appellate District,  
Division Eight

PEOPLE v. HAYES

Time extended to grant or deny review

to September 12, 2005

**S134647**

B174650 Second Appellate District,  
Division Seven

## PEOPLE v. SANCHEZ

Time extended to grant or deny review

to September 9, 2005

**S134691**

H028752 Sixth Appellate District

## ESCALANTE (JUSTO) ON H.C.

Time extended to grant or deny review

to September 9, 2005

**S134699**

F046430 Fifth Appellate District  
F046858

## J. (JOSHUA), IN RE

Time extended to grant or deny review

to September 12, 2005

**S134723**

B164859 Second Appellate District,  
Division Seven

## DESANTIS v. DEPT OF TRANSPORTATION

Time extended to grant or deny review

to September 12, 2005

**S134742**

B183231 Second Appellate District,  
Division One

## ALDAMA (JOE) ON H.C.

Time extended to grant or deny review

to September 9, 2005

**S134746**

B183214 Second Appellate District,  
Division Eight

## THOMAS (BRIAN W.) ON H.C.

Time extended to grant or deny review

to September 13, 2005

**S134749**

B171221 Second Appellate District,  
Division Five

## PEOPLE v. HEARSE

Time extended to grant or deny review

to September 12, 2005

**S134762**

C049838 Third Appellate District

## ERVIN (WALLACE) ON H.C.

Time extended to grant or deny review

to September 13, 2005

**S134782**

B183402 Second Appellate District,  
Division Seven

WITHERS (THORNTON) ON H.C.

Time extended to grant or deny review

to September 14, 2005

**S134787**

H028824 Sixth Appellate District

SANCHEZ (RUBEN) ON H.C.

Time extended to grant or deny review

to September 14, 2005

**S134819**

B183199 Second Appellate District,  
Division Three

SALDANA (MIGUEL) ON H.C.

Time extended to grant or deny review

to September 15, 2005

**S134830**

B181344 Second Appellate District,  
Division Four

GARBUTT (DENNIS) ON H.C.

Time extended to grant or deny review

to September 15, 2005

**S134854**

H027453 Sixth Appellate District

PEOPLE v. CONTRERAS

Time extended to grant or deny review

to September 12, 2005.

**S134887**

B183416 Second Appellate District,  
Division Seven

BEDROSSIAN v. SUPERIOR COURT

Time extended to grant or deny review

to September 15, 2005

**S134895**

G035398 Fourth Appellate District,  
Division Three

MANIGHALAM v. S.C. (PURCELL)

Time extended to grant or deny review

to September 14, 2005.

**S134899**

B182819 Second Appellate District,  
Division Two

BAGNERISE (JOHN) ON H.C.

Time extended to grant or deny review

to September 14, 2005

**S029011**

PEOPLE v. SOLOMON (MORRIS, JR.)

Extension of time granted

to October 3, 2005 to file appellant's reply brief. After that date, only five further extensions totaling about 270 additional days will be granted. Extension is granted based upon counsel Bruce Eric Cohen's representation that he anticipates filing that brief by 6/30/2006.

**S034072**

PEOPLE v. CURL (ROBERT ZANE)

Extension of time granted

to August 31, 2005 to file respondent's brief. Extension is granted based upon Deputy Attorney General Jennifer M. Poe's representation that she anticipates filing that brief by 8/31/2005. After that date, no further extension will be granted.

**S047867**

PEOPLE v. VIRGIL (LESTER W.)

Extension of time granted

to October 6, 2005 to file respondent's brief.

**S049743**

PEOPLE v. YOUNG (CAROLINE M...)

Extension of time granted

to September 30, 2005 to file respondent's brief. After that date, only four further extensions totaling about 220 additional days will be granted. Extension is granted based upon Supervising Deputy Attorney General Seth K. Schalit's representation that he anticipates filing that brief by May 8, 2005.

**S055130**

PEOPLE v. MORGAN (EDWARD P.)

Extension of time granted

to October 7, 2005 to file appellant's reply brief. After that date, only five further extensions totaling about 295 additional days will be granted. Extension is granted based upon

Deputy State Public Defender C. Delaine  
Renard's representation that she anticipates filing  
that brief by 8/1/2006.

**S055856**

PEOPLE v. ROMERO & SELF  
Extension of time granted

to October 7, 2005 to file appellant ROMERO'S  
opening brief. After that date, only two further  
extensions totaling about 85 additional days will  
be granted. Extension is granted based upon  
Deputy State Public Defender Michael P.  
Goldstein's representation that he anticipates  
filing that brief by 12/31/2005.

**S072946**

PEOPLE v. GONZALEZ (JOSE)  
Extension of time granted

to October 3, 2005 to file appellant's reply brief.  
After that date, no further extension will be  
granted. Extension is granted based upon  
counsel Michael B. McPartland's representation  
that he anticipates that brief by 10/1/2005.

**S076334**

PEOPLE v. ARISMAN (DAVID W.)  
Extension of time granted

to October 4, 2005 to file appellant's opening  
brief.

**S085348**

PEOPLE v. CASTANEDA (GABRIEL)  
Extension of time granted

to September 26, 2005 to file appellant's opening  
brief. The court anticipates that after that date,  
only three further extensions totaling about 180  
additional days will be granted. Counsel is  
ordered to inform his or her assisting attorney or  
entity, if any, and any assisting attorney or entity  
of any separate counsel of record, of this  
schedule, and to take all steps necessary to meet  
it.

**S122414**

FARNAM (JACK) ON H.C.  
Extension of time granted

to September 1, 2005 to file the reply to supplement to informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel Samuel D. McVey's representation that he anticipates that document by 9/1/2005. After that date, no further extension is contemplated.

**S128854**

B159379 Second Appellate District,  
Division Seven

PEOPLE v. VASQUEZ  
Extension of time granted

to serve and file the respondent's brief to September 7, 2005. No further extensions are contemplated.

**S129463**

B161549 Second Appellate District,  
Division Two

CITY OF HOPE v. GENENTECH  
Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to September 10, 2005

**S129603**

CARASI (PAUL) ON H.C.  
Extension of time granted

to August 26, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel Eric S. Multhaup's representation that he anticipates filing that document by 8/26/2005. After that date, no further extension is contemplated.

**S129612**

BONILLA (STEVEN) ON H.C.  
Extension of time granted

to August 26, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only one further

extension totaling about 30 additional days will be granted. Extension is granted based upon counsel David A. Nickerson's representation that he anticipates filing that brief by 9/26/2005.

**S130157**

A101459 First Appellate District,  
Division Three

**PEOPLE v. WILSON**

Extension of time granted

to September 6, 2005 to file respondent's answer brief on the merits.

**S130457**

D044209 Fourth Appellate District,  
Division One

**J. (OLIVIA), IN RE**

Extension of time granted

to September 2, 2005 to file appellant's reply brief on the merits.

**S131807**

A095918 First Appellate District,  
A097793 Division Four

**HARRIS v. PRICEWATERHOUSECOOPERS**

Extension of time granted

to August 22, 2005 to file plaintiffs and appellants's answer brief on the merits. No further extensions of time are contemplated.

**S133343**

A105312 First Appellate District,  
Division Three

**MICROSOFT CORP v. FRANCHISE TAX BOARD**

Extension of time granted

to September 12, 2005 for appellant to file the answer brief on the merits.

**S133438****COLEMAN (CALVIN) ON H.C.**

Extension of time granted

to August 30, 2005 to file the informal response to the petition for writ of habeas corpus. Extension is granted based upon Deputy Attorney General Mark S. Howell's representation that he anticipates filing that document by 8/30/2005. After that date, no further extension is contemplated.

**S129912**

D042623 Fourth Appellate District,  
Division One

PEOPLE v. VASQUEZ

Counsel appointment order filed

The order appointing Appellate Defenders, Inc. as counsel of record for appellant Fernando Vasquez, filed February 9, 2005, is hereby vacated.

Amanda F. Benedict is hereby appointed as attorney of record for appellant Fernando Vasquez.

**S133798**

C042839 Third Appellate District

PEOPLE v. NEIDINGER

Counsel appointment order filed

Victor S. Haltom is appointed to represent appellant. Appellant's brief on the merits must be served & filed on or before 30 days from the date respondent's opening brief on the merits is filed.

**S134398**

A104624 First Appellate District,  
Division Five

PEOPLE v. HERRING

Counsel appointment order filed

George Benton is appointed to represent appellant.

**S134612**

A105165 First Appellate District,  
Division One

PEOPLE v. IVEY

Counsel appointment order filed

Louise Havstad is appointed to represent appellant on the appeal now pending in this court.

**S129522**

D041356 Fourth Appellate District,  
Division One

TOBACCO CASES II, JCCP 4042

Order filed

Under rule 29.1 of the California Rules of Court, the times stated in rule 29.1 for filing briefs in the Supreme Court "may not be extended by stipulation but only by order of the Chief Justice under rule 45."

FOR GOOD CAUSE SHOWN, IT IS ORDERED that: (1) Any application to file an amicus curiae brief under rule 29.1(f) in this



matter must be filed and served, accompanied by the proposed brief, on or before September 14, 2005; and (2) the parties' answers to any amicus curiae briefs that are filed must be filed and served on or before November 3, 2005.

**S135115**

B172081 Second Appellate District,  
Division Seven

GORDON v. MERMEL  
Order filed

Appellant's (Gordon) request for an extension of time to file the reply to the answer to petition for review is hereby DENIED.

**S108152**

DICKRELL ON DISCIPLINE  
Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **ROBERT ARTHUR DICKRELL, State Bar No. 151498**, must be actually suspended from the practice of law for one year and be placed on probation for four years, subject to the conditions of probation, as recommended by the Hearing Department of the State Bar Court in its order filed May 13, 2005. Respondent is also ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Credit toward the period of actual suspension will be given for the period of involuntary inactive enrollment which commenced on May 27, 2005 (Bus. & Prof. Code, § 6007(d)(3)). Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

S134174

HOEL ON DISCIPLINE

Recommended discipline imposed

It is ordered that **KRISTEN T. HOEL, State Bar No. 164097**, be suspended from the practice of law for three years and until she complies with the requirements of standard 1.4(c)(ii), as set forth more fully below, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for one year and until she makes restitution to Luna Po Drake (or the Client Security Fund, if appropriate) in the amount of \$1,200.00 plus 10% interest per annum from October 22, 2001, and furnishes satisfactory proof thereof to the Office of Probation of the State Bar, as recommended by the Hearing Department of the State Bar Court in its decision filed on March 2, 2005, as amended by its order filed April 5, 2005; and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California; and until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. **Kristen T. Hoel** is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for termination of her actual suspension. It is further ordered that **Kristen T. Hoel** take and pass the Multistate Professional Responsibility Examination during the period of her actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

**S134175**

**BUSSEY ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **DOUGLAS McCLELLAN BUSSEY, State Bar No. 65358**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar. \*(See Bus. & Prof. Code, § 6126, subd. (c).)

**E038476** Fourth Appellate District,  
Division Two

**ORANGE COUNTY FIRE AUTHORITY v. WCAB**  
The above-entitled matter, now pending in the Court of Appeal, Fourth Appellate District, is transferred from Division Two to Division Three.